

POLICY

Each residential juvenile justice facility that operates its own school must provide special education services to any student who was previously enrolled in a special education program or who is referred for special education services. These services must be administered through an Individualized Education Program (IEP) team composed of appropriate members to accomplish three functions. The team works closely with the student and parent(s)/legal guardian to execute the special education process. The three functions are:

- Conducting the Review of Existing Evaluation Data (REED) which determines if available information is sufficient to support current or new disability determinations; see [JRM 403](#).
- Conducting a comprehensive, multidisciplinary evaluation which includes additional specific evaluations to support disability determinations based on the REED; see [JRM 404](#).
- Developing or revising the IEP using the results of the REED and/or multidisciplinary evaluation; see [JRM 405](#).

Students must be re-evaluated and have a new IEP developed at least every three years and when requested by the parent(s)/legal guardian or appropriate facility staff.

Entry into the special education process at the facility may be through a determination of previous eligibility or through an initial referral. Student Study Teams (Childfind) as described in [JRM 401](#) may also refer the youth to the special education process. Anyone, including the student involved, may make a referral.

While multiple professionals support the student during the special education process, the education case manager serves a key role. Normally a special education teacher or school social worker familiar with the process and required time lines, the education case manager is the prime mover in keeping the process moving, coordinating notices and other communications, and encouraging the participation of the parent(s)/legal guardian and the student in the process.

PURPOSE

To ensure each student receives appropriate educational services.

DEFINITIONS

See [JRG, JJ Residential Glossary](#).

**RESPONSIBLE
PARTY**

Facility director or designee, education case manager, school social worker, teachers, and members of the Individualized Education Program team.

**ACTIONS WHEN
STUDENT MAY
HAVE BEEN
PREVIOUSLY
ELIGIBLE**

The facility director or designee who becomes aware of a youth with possible previous special education eligibility must:

- Contact the student's parent(s)/legal guardian and inform them that the facility:
 - Is aware that the student previously received special education services.
 - Will provide their child with special education services.
- Document the parent/legal guardian contact and response in the student's education file and case notes in the Juvenile Justice Information System (JJIS).
- Appoint an education case manager to coordinate the special education process for the student.
- Gather information that documents the student's previous education eligibility. This information may include letters, previous notices or invitations to special education meetings, independent assessments of the student, or other records associated with previous evaluations or IEPs.
- Within three business days of verifying previous special education services/eligibility, document the eligibility in the education domain (D5) of the Strength and Needs Assessment in the JJIS.

**EDUCATION CASE
MANAGER ACTIONS
FOR PREVIOUSLY
ELIGIBLE STUDENT**

The education case manager must:

- Conduct an Individualized Education Program (IEP) team meeting within 30 school days following the date notification is received (or verification) of a student's previous enrollment in a special education program/services. A typical process leading to an IEP will involve conduct of a REED and, based on the REED results, the conduct of a multidisciplinary evaluation prior to program development of the IEP. If the facility adopts the student's current IEP from the district previously providing services, the scheduling of a new IEP team meeting is not required.
- Using certified mail, send all of the following to the parent(s)/legal guardian:
 - A DHS-4268-BJJ, Permission for Temporary Placement Due to Previous Enrollment, requesting approval to continue providing special education services to the student.
 - A copy of the DHS special education parent handbook and eligible procedural safeguards.
 - A self-addressed, stamped envelope for the return of the signed temporary placement permission form.
- Make a follow-up telephone call to the parent(s)/legal guardian if the consent for placement form is not returned within seven calendar days.
- Implement the student's current IEP to the extent possible if the parent(s)/legal guardian approve the temporary placement request.
- Convene a meeting of the IEP team to conduct a Review of Existing Evaluation Data within 20 school days of the initial request for placement.
- Implement the student's current IEP to the extent possible if the parent(s)/legal guardian do not provide consent for the placement.

- Proceed to conduct a Review of Existing Evaluation Data as described in [JRM 403](#).

Consent Requirements

If the student's parent(s)/legal guardian refuse to consent, the student must not be evaluated.

Consent is not required if parental rights have been terminated or the parent(s)/legal guardian cannot be located after the use of reasonable efforts. Reasonable efforts may be considered as at least three documented attempts over a 15 calendar day period to contact the parent(s)/legal guardian by telephone, certified mail, or personal visit.

In cases where parental rights have been terminated or no parent(s)/legal guardian can be located after documented reasonable efforts to make contact; see [JRM 421](#).

ACTIONS FOR INITIAL SPECIAL EDUCATION REFERRAL

When an initial referral is made, the person making the referral must take the following actions:

- Complete the DHS-4260, BJJ Special Education Referral Report, in the Juvenile Justice Information System. Ensure the form documents:
 - The problem in substantial detail.
 - Interventions attempted and for how long.
 - Work samples and anecdotal observations.
- Notify the facility director or designee named to receive special education referrals.

The facility director or designee must appoint an education case manager to coordinate the special education process for the student.

**EDUCATION CASE
MANAGER ACTIONS
FOR AN INITIAL
REFERRAL**

The education case manager must:

- Contact the parent(s)/legal guardian by telephone within five school days of the referral data and share information about the referral and special education process.
- Using certified mail, send all of the following to the parent(s)/legal guardian within 10 calendar days of receipt of the referral and prior to any formal evaluation designed to determine special education eligibility:
 - Written notice containing the reason an evaluation is being sought, the nature of the evaluation, and a description of the types of special education programs and services currently available.
 - A copy of the DHS-4262-BJJ-EV, Special Education Consent to Evaluate.
 - A copy of the DHS special education parent handbook and procedural safeguards.
 - A self-addressed, stamped envelope for the return of the signed consent to evaluate.
- Include the case manager's name and telephone number for future contact regarding special education.
- Make follow-up contacts with the parent(s)/legal guardian to obtain the signed evaluation consent and respond to questions.
- Document all case activities in the case notes in the youth's education file and in JJIS.
- Proceed to the Review of Existing Evaluation Data as described in [JRM 403](#).

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AUTHORITY

Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 et seq.

Rules implementing the Individuals With Disabilities Education Improvement Act of 2004, 34 CFR 300.300, 305 and 309.

Michigan Department of Education Administrative Rules for Special Education R340.1721.